

Capital Cities/ABC, Inc. 77 West 66 Street New York NY 10023 (212) 456 6391



Kristin Carroll Gerlach  
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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

April 12, 1993

**HAND DELIVER**

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, DC 20554

Dear Ms. Searcy:

On behalf of Capital Cities/ABC, Inc., transmitted herewith for filing with the Commission are an original and five copies of its Reply Comments in PP Docket No. 93-21.

If there are any questions in connection with the foregoing, please contact the undersigned.

Sincerely,

Kristin C. Gerlach

KCG/ak  
Enclosures

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FEDERAL COMMUNICATIONS COMMISSION  
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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of

Implementation of Section 26 of  
the Cable Television Consumer  
Protection and Competition Act  
of 1992

Inquiry Into Sports Programming  
Migration

PP Docket No. 93-21

REPLY COMMENTS OF CAPITAL CITIES/ABC, INC.

Vice President, Law & Regulation

Kristin C. Gerlach  
Senior General Attorney,  
Law & Regulation

Capital Cities/ABC, Inc.  
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New York, New York 10023

Counsel for Capital Cities/ABC, Inc.

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To: The Commission

REPLY COMMENTS OF CAPITAL CITIES/ABC, INC.

Capital Cities/ABC, Inc. ("Capital Cities/ABC") submits these Reply Comments in order to correct certain misstatements in, or misimpressions that may be created by, the Comments of the Association of Independent Television Stations, Inc. ("INTV Comments") about ABC Sports' ("ABC") contract with the College Football Association ("CFA").

1. All games televised pursuant to ABC's contract with the CFA are televised on free, over-the-air broadcast television, over the ABC Television Network. ABC's contract with CFA, therefore, is not an instance of migration of sports programming from broadcast television to a subscription medium. Moreover, the contract is not "preclusive" as defined in the 1992 Cable Act.

2. It is not correct, as the INTV Comments assert (page 8), that ABC's contract with the CFA means that no other broadcast station can televise a game involving a CFA team during ABC's broadcast periods. To the contrary, the contract permits "point-to-point" broadcasts, that is, live over-the-air local broadcasts, at any time, in the home towns of the participating schools. Moreover, the contract permits live telecasts by local broadcast stations, and even by nationwide syndication, of all CFA games that begin before 12:10 PM local time (or 12:40 PM, local time, in the case of Southeast Conference games).

3. The number of teams and games subject to ABC's contract with the CFA is far less than that suggested by the INTV Comments. The CFA contract involves only 63 schools.<sup>1</sup> By contrast, the NCAA television plan that was the subject of litigation approximately a decade ago governed all telecasts of every game of each of the approximately 850 schools that were members of the NCAA.

In sum, as Capital Cities/ABC explained in its initial Comments, ABC's contract with the CFA includes the kinds of provisions that are commonly incorporated in agreements governing the telecast of sporting events. The contract serves legitimate, procompetitive purposes and furthers the public interest.

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<sup>1</sup> ABC's separate contract with the PAC 10 and Big 10 conferences involves an additional 20 schools.

Respectfully submitted,

By: 

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Vice President, Law & Regulation

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